

S-p-r-e-a-d-i-n-g the word

"Creating Change: Business, Consumer, Government Roles" is the theme of the **Society of Consumer Affairs Professionals in Business (SOCAP)** 5th annual national consumer affairs exchange to be held Oct. 4-6 at the Washington Hilton Hotel in Washington, DC. It costs \$185 for members and \$210 for non-members who reserve before Sept. 15 and \$210 for members and \$235 for non-members who reserve after that date. In addition, there is a \$100 transferable registration which includes no meals or reception. To register or for more information write or call SOCAP, 777 14th St., NW, Suite 236, Washington, DC 20005; telephone 202-393-3270.

Community Nutrition Institute (CNI), a public interest food and nutrition organization, has helped translate the detailed US Dietary Goals developed last year by a Congressional committee into basic, easily understood information about nutrition. This information, in the form of a colorful 18 x 24 poster, is called "Goals for Good Eating" and is available for \$1.50 from Community Nutrition Institute, Consumer Information Project, 1146 19th St., NW, Washington, DC 20036; telephone 202-833-1730.

Help: The Useful Almanac 1978-79, a 524-page book published by Consumer News, Inc., an independent news service located at 813 National Press Bldg., Washington, DC 20045, "offers help on just about anything" from automobiles to taxes. Copies are available for \$4.95, postage paid, by sending check or money order to address listed above.

News for consumers

CONSUMER NEWS is published twice monthly by the **Office of Consumer Affairs of the Health, Education and Welfare Dept.**, and reports on consumer activities of Federal agencies, proposed and pending legislation and regulations affecting consumers, and how consumers can make their voices heard in the Federal Government. For our first-time readers, CONSUMER NEWS is sold by subscription through the **Consumer Information Center**. A one-year subscription (24 issues) costs \$6.00 in check or money order payable to the Superintendent of Documents. Send remittance to CONSUMER NEWS, Dept. 016F, Pueblo, CO 81009.

consumer news

DEPARTMENT OF HEALTH, EDUCATION & WELFARE
Office of Consumer Affairs

Vol. 8, No. 15, Aug. 1, 1978

Food labeling hearings

What current information on food labels is most and least important to you? What new information should there be?

To find out what consumers want and need on food labels, 3 Federal agencies -- **Food and Drug Administration (FDA)**, **Agriculture Dept.** and **Federal Trade Commission (FTC)** -- have launched a nationwide campaign to get consumer views on food labeling. Consumers' comments are being sought on: ingredient labeling; nutritional labeling and other dietary information; open date labeling; imitation and substitute foods; fortification of food with vitamins and minerals; the overall food label; and the kinds of ingredients permitted in standardized foods.

The nationwide campaign includes:

- Five public hearings to be held across the country beginning Aug. 22 in which consumers can discuss what they think should be included on food labels. The hearings are scheduled for: Aug. 22, Century II Theater, Wichita, KS; Sept. 18, Little Rock Convention Center, Little Rock, AR; Sept. 27, Health, Education and Welfare Dept. Auditorium, Washington, DC; Oct. 12, Fremont Bldg., Environmental Protection Agency Auditorium, San Francisco, CA; and Oct. 25, Howard Johnson 57 Motel, Boston, MA. If necessary, hearings will continue on the following day. [See CONSUMER REGISTER July 15 for earlier announcement and other details.]

- Nationwide distribution through supermarket chains of a specially prepared consumer booklet which explains the major issues the agencies want information on. The booklet also summarizes what information is currently required on food labels, and how consumers can write in to express their opinions. The booklet will be reaching supermarket racks beginning this month and also will be distributed free through Dept. 703-F, Consumer Information Center, Pueblo, CO 81009.

- In addition to the booklet, FDA has prepared an "issues paper" to brief consumers on the major food subjects under review. Persons who want to familiarize themselves with the issues can get the paper from FDA District Offices, find it in the June 9 *Federal Register* which is available in many libraries, or write to Taylor Quinn, Food and Drug Administration, Bureau of Foods, 200 C St., SW, Washington, DC 20204; telephone 202-245-1243.

Besides providing general background information on food labeling, the issues paper raises the specific questions on which the agencies are seeking public comment, including:

- Should ingredient labeling be required for all foods? (Some foods are presently excluded by law from complete ingredient declaration.)
- Should food labels tell the percentage of each ingredient in the product?
- Should all foods have "open dating"?
- If a food is an "imitation" of another, should that food be called "imitation" or should it be given a new name?
- Are there types of foods to which vitamins and minerals should not be added? (These issues are discussed in greater detail on pages 2 and 3 of CONSUMER NEWS.)

(Continued on page 2)

OCA and FERC

The Office of Consumer Affairs (OCA) has filed a petition with the Federal Energy Regulatory Commission (FERC) requesting that OCA be allowed to participate in a proceeding in which the Public Service Company of New Hampshire (PSNH) is seeking authorization to include current construction costs in setting its wholesale power rates.

OCA's concern is to assure that the interests of consumers are represented in the FERC proceeding and, most importantly, to avoid setting a major precedent of using customers' money to shield utility companies from the consequences of management decisions.

OCA pointed out that its intervention is in the public interest because including construction work in progress (CWIP) in the PSNH rate base would have an unnecessary inflationary impact by causing price increases throughout the local economy. Moreover, the inflationary effect on the nation would be significant because of the precedent-setting effect of any FERC decision on future utility rate cases in all 50 states.

The inclusion of CWIP in current utility company rates results in customers being charged for power plants which may not benefit them for many years. In the petition it filed with FERC on July 27, OCA said this "discriminates against present customers in favor of future customers, particularly at a time when the completion of a major portion of the construction in question is uncertain."

OCA said that including CWIP in the rate base "removes incentives for utility management to curb construction costs and to bring plants on line expeditiously."

In the past, FERC has, in certain very limited circumstances, allowed the inclusion of CWIP in the rate base where it said this action would aid pollution controls, speed plant conversion from oil to coal, or where utility companies were experiencing financial hardship.

PSNH has asked for the inclusion of CWIP in its rate base "to meet severe financial difficulty." OCA, in its petition, questioned whether PSNH, which set a record high for earnings in the last 12 months and earns 31% more per share now than it did in the previous 12 months, needs the drastic relief for which it has petitioned.

New consumer catalog

To receive the Consumer Information Center's fall catalog of more than 200 free or low-cost Federal consumer publications, send a postcard to Consumer Information, Pueblo, CO 81009.

Food labeling... and the issues involved (Continued)

The agencies invite all interested consumers to express their views on these and other questions about food labeling. Comments should be sent to Hearing Clerk, HFC-18, Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857, by Nov. 10.

The agencies also have launched a nationwide campaign to get consumer views on 7 issues involving food labeling. Following is a summary of these issues:

• **INGREDIENT LABELING** -- A major question is whether ingredient labeling should be required for all foods. FDA regulations now require that all ingredients in non-standardized foods (foods that are not required by FDA to contain certain ingredients, which give the food its identity) be listed on the label, with the ingredient present in greatest amount by weight listed first. However, under current law, FDA cannot require that mandatory ingredients in standardized foods -- such as wheat in flour -- be listed on the label, although it can require the listing of optional ingredients.

The agencies are also examining the issue of percentage ingredient labeling. Some consumer groups have proposed that all labels show the percentage of all ingredients used in a food product. Other areas where public comment is especially invited are whether and how spices, flavors and colors should be identified on the label and whether the percentage of the characterizing ingredient -- for example, shrimp in shrimp cocktail -- should be part of the legal name of a food product.

• **NUTRITION LABELING** -- An important issue is whether nutrition labeling should be mandatory for all or certain food products and, if so, how it should be done. Under present law, nutrition labeling is required only when a food makes a claim about its nutritional value in labeling or advertising, or when the food is fortified with vitamins and minerals. If nutritional labeling were required for all or only some foods, there are still questions about what information should be included and how it should be presented. Currently, nutrition information follows a standardized format which shows serving size, servings per container, calories, grams of protein, carbohydrates and fats, and percentage of US Recommended Daily Allowance for protein and several vitamins and minerals. However, some consumer groups have petitioned FDA to require that food labels carry explicit information on substances such as sugar, salt, fiber and cholesterol.

A related issue is how far the Government should go in determining when dietary information may be included in labeling claims or in the names of foods. FDA is now working on a definition for "low cholesterol" and "cholesterol-reduced" foods. Should the Government continue to develop systems to determine when labeling can carry claims that a food is "cholesterol free," "low sodium," etc? Or would it be better simply to provide consumers with the amount of sodium or cholesterol in a food without attempting to describe the amount as low or reduced?

• **OPEN DATE LABELING** -- Consumers are being asked if "open dating" -- an uncoded calendar date -- on food labels should be required, and if so, whether it be for all foods, perishable foods, or for selected perishable foods only. The agencies also want to know what consumers think the date should signify. There are 4 kinds of open dates now in use: (1) pack date, or the date the food was packed; (2) pull

date, or the last day recommended for retail sale; (3) quality assurance date, or the latest day freshness can reasonably be expected; and (4) expiration date, or the date after which a food should not be used.

Other questions to be examined are the desirability of explaining the significance of dates on labels, instructions on the labels for storage and handling, uniformity of open dating, and comparisons of benefits of open dating to other labeling information.

▪ **FOOD FORTIFICATION** -- Food fortification refers to the addition of nutrients to foods, such as Vitamin D to milk and various vitamins and minerals to breakfast cereals. FDA has no general regulation on food fortification although it does prescribe the extent to which certain foods -- such as enriched bread -- must be fortified. The issues being considered include the criteria for determining whether a food should be fortified; the advisability of prohibiting fortification of some foods; and standards for limits on fortification.

▪ **IMITATION AND SUBSTITUTE FOODS** -- This issue involves consumers' perceptions of the meaning of "imitation" food. Present regulations require a food that resembles another food to be called "imitation" if it is inferior in nutrition to the food it imitates. If the substitute is nutritionally equivalent or superior to an existing product, the manufacturer may give it a different name rather than call it "imitation." The agencies want to know whether to continue this policy. Related issues include whether FDA should require other information for such foods such as percentages of characterizing or important ingredients; whether a nutritionally inferior food should be so labeled in addition to being labeled "imitation"; what characteristics other than nutritional equivalence consumers feel substitute food should possess; and whether even substitute foods that are nutritionally equivalent should be labeled "imitation."

▪ **SAFE AND SUITABLE INGREDIENTS** -- The term "safe and suitable" was developed to give manufacturers some flexibility in the use of optional ingredients in certain standardized foods. According to FDA, an ingredient is "suitable" only if it performs an appropriate function and does not significantly change the nutritional value, taste, smell, appearance and other basic characteristics of the food. Consumer views are being sought on whether this "safe and suitable" policy should be modified to expand or restrict the optional ingredients in foods, and whether standards of identity for foods are needed if more ingredient information were given on labels.

▪ **TOTAL FOOD LABEL** -- Consumers are being asked their opinions on the kind of information they think ought to be on food labels and its benefits, possible problems with putting so much information on the label that the consumer may miss some of the most vital information, and the priorities to be considered in conveying information when a package is too small for its label to carry such information.

Consumers' views also are being sought on the use of symbols to indicate the presence of a particular kind of ingredient such as an artificial color, flavor or substance known to cause allergic reactions in some people.

Recalls

• **CRIB TEETHING RAILS**--Consumer Product Safety Commission (CPSC) has announced a voluntary recall and replacement program for plastic teething rails on 70,000 to 80,000 full-sized baby cribs made by the Okla Homer Smith Furniture Manufacturing Co. The teething rails may become brittle and crack when chewed. Broken pieces swallowed by a teething infant could be lodged in the windpipe or cause other injuries. The cribs have been sold nationwide in baby furniture and department stores, including Sears, Roebuck and Co. and Montgomery Ward. Consumers should look for the label, "Okla Homer Smith Furniture Manufacturing Co., Inc.," on the inside of the headboard near the bottom, and a numbered manufacturing date ink-stamped under the headboard. Only cribs made from June 1976 through December 1976 carry the potentially defective rails. The cribs are wooden, cost from \$50 to \$100, and the teething rails are colored red or white. What to do: Contact retailer or Okla Homer Smith at P.O. Box 1148, Ft. Smith, AR 72902, to obtain a new rail cover free of charge. Consumers must give their names, addresses, whether cribs are single or double-drop-side units, and whether teething rails are present on the end panels. Since the rails can crack at any time, crib owners are entitled to and should obtain the free replacement covers.

The cribs have been sold under approximately 180 model numbers and consumers with any doubt about this recall should contact CPSC. Even if the teething apparatus does not show significant signs of brittleness, the hazard may still exist. For more recall information, call CPSC's toll-free hotline at 800-638-2666; in Maryland call 800-492-2937.

CARS--Ford Motor Co. must recall about 150,000 Mercury Capri cars. Federal Judge John Smith upheld the Government's argument that the failure of vehicles' windshield wipers poses an "unreasonable" motoring risk. The defective wipers were installed on 1971 and 1972 Capris and 1973 Capris produced before Nov. 24, 1972, when a new wiper-arm assembly was substituted.

National Highway Traffic Safety Administration (NHTSA) found that the Capri wipers were subject to "sudden failure," in which the wiper arm and blade were thrown free of the system's pivot assembly. NHTSA points out that any auto part recognized as providing a safety benefit under special conditions--such as windshield wipers in a rainstorm--involves an unreasonable safety risk when it fails. The judge agreed that any defect that disables a vehicle, forcing the driver to stop, presents a safety hazard.

According to Judge Smith, the NHTSA data showed that Ford had sold enough replacement windshield wipers for the Capri cars to indicate a 40% failure rate.

Help wanted

The Board of Governors of the Federal Reserve System would like to receive names of qualified persons to fill 9 upcoming vacancies on its **Consumer Advisory Council (CAC)**. Sept. 1 is deadline for receipt of such names.

An amendment to the Equal Credit Opportunity Act established the CAC in 1976. The CAC advises and consults with the Board in areas of the Board's functions under the Consumer Credit Protection Act and other consumer-related matters.

Biographical information on persons recommended for the CAC should include name, address, telephone number, present and past positions, and special qualifications and interests relating to consumer affairs.

The CAC usually meets about 4 times a year for a day and a half in Washington, DC. Members who are not full-time Federal employees will be compensated for their services and travel expenses.

*Send any suggestions to the Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551. A list of the 28 current members, along with their affiliations, locations and terms of office, appears in the July 24 *Federal Register*.

Help for the disabled

Your Rights as a Disabled Person outlines the rights of the disabled to employment, health care, social and rehabilitation services, education, and the education of the disabled child. Free single copies are available from the Office of Civil Rights, HEW, Washington, DC 20201.

Just what is Consumer Register?

Many of our readers do not seem to realize that CONSUMER REGISTER is part of CONSUMER NEWS (although it is still called a "supplement" on the masthead).

In April 1971, when CONSUMER NEWS was first published, there was no specific provision made in the newsletter for consumers to have a voice in participating in Government rulemaking. It soon became apparent that we needed to enlarge CONSUMER NEWS to include summaries of items of consumer concern that appear in the daily Federal journal, *Federal Register*. We try to present these summaries in language that consumers and others can easily understand because we believe the Federal Government needs comments on its proposed rules from all sectors—not just industries and trade and other associations. And we believe those who take the opportunity to comment do affect Government policy.

Those who have asked about subscribing to CONSUMER REGISTER should be aware that it is not a separate publication but appears regularly within CONSUMER NEWS. In addition to summarizing significant consumer issues, it lists the *Federal Register* source, pertinent dates and names of persons to write or call for more information.

So . . . speak up and be heard!

Omnis and Horizons

National Highway Traffic Safety Administration (NHTSA) says its evaluation of Chrysler Corp.'s Dodge Omni and Plymouth Horizon cars shows no evidence of a safety problem in the cars' stability and handling characteristics.

NHTSA ordered extensive tests of the 2 subcompact Chrysler cars after Consumers Union (CU), an independent testing organization, said the cars were unacceptable because of stability and handling problems. [See CU's *Consumer Reports* July 1978.]

The testing methods used are described more fully in NHTSA's press release 74-78, dated July 7. Single copies are available from Office of Public Affairs, Transportation Dept., Washington, DC 20590.

CONSUMER NEWS is published the 1st and 15th of each month by the Office of Consumer Affairs, Health, Education and Welfare Dept., to report Federal Government programs for consumers. Use of funds for printing this publication through Sept. 30, 1979, approved by Office of Management and Budget. Authorization to reproduce any or all items is granted. Editorial address is CONSUMER NEWS, Office of Consumer Affairs, Health, Education and Welfare Dept., 621 Reporters Bldg., Washington, DC 20201; Howard Seltzer, Acting Director of Public Affairs (202) 755-8810; Marion Q. Ciacio, Managing Editor (202) 755-8830. Sold by Consumer Information Center, Pueblo, CO 81009; subscription \$6 a year, payable to "Supt. of Documents." Send address change to Supt. of Documents, Government Printing Office, Washington, DC 20402.

US GOVERNMENT PRINTING OFFICE: 1978-222/22
DHEW PUBLICATION NO. (OS) 77-108

DEPARTMENT OF
HEALTH, EDUCATION AND WELFARE
OFFICE OF CONSUMER AFFAIRS
WASHINGTON, D.C. 20201

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Consumer News: Aug. 1, 1978

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